

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 5 CASE LISTED IN EXHIBIT A, ATTACHED	

**MOTION TO EXCLUDE AND ADOPTION OF PRIOR MOTIONS TO EXCLUDE
GENERAL-CAUSATION TESTIMONY OF
ROBERT D. MOORE, D.O.**

Defendants Ethicon, Inc. and Johnson & Johnson (Ethicon) challenged certain general-causation opinions of Robert D. Moore, D.O. in Wave 1 as being inadmissible under Rules 702 and 403, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). This Court ruled on those challenges. *See* Ex. B, 9/1/16 Mem. Op. (Dkt. 2715).

Ethicon hereby adopts its Wave 1 motion (Defs.' Mot. (Dkt. 2119)) and supporting memorandum (Defs.' Mem. (Dkt. 2120)) for Wave 5. It nonetheless submits a Supplemental Memorandum in Support of Motion to Exclude Testimony of Robert D. Moore, D.O., attached and incorporated here, to address the Court's recent rulings. It also attaches the following exhibits:

1. The list of cases to which this motion applies, identified by case style and number, attached as Exhibit A;
2. The September 1, 2016 Memorandum Opinion and Order as to Robert D. Moore, D.O., attached as Exhibit B;

3. Rule 26 Expert Report of Robert D. Moore, [D.O.] TVT-O, attached as Exhibit C; and
4. The deposition of Robert D. Moore, D.O., taken April 15, 2016, attached as Exhibit D.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the General-Causation Testimony of Robert D. Moore, D.O.

Respectfully submitted,

ETHICON, INC. and
JOHNSON & JOHNSON,

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
dthomas@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

CERTIFICATE OF SERVICE

I certify that on August 15, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com